

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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OTIS LISBY,

Plaintiff,

Case No. 2:15-cv-01092-RFB-NJK

ORDER

(Mot Excuse ENE – Dkt. #24)

QUEST DISGNOSTICS INCORPORATED,
et al.,

Defendants.

Before the court is Defendants' Motion to Excuse Individually-Named Defendants from the Early Neutral Evaluation's Attendance Requirements (Dkt. #24) filed November 20, 2015. No opposition has been filed and the time for filing an opposition has expired.

The motion requests that individual Defendants Carter, Hood and Eliot be excused from the ENE as Quest has agreed to handle the defense of these Defendants. Furthermore, a Quest representative will be personally present and will have authority to fully and effectively participate in the settlement discussions.

The complaint alleges that the individual Defendants engaged in alleged discriminatory and retaliatory conduct in violation of federal law. The court requires individual parties to be present to facilitate the purpose of the ENE which is to try and resolve the complaint, or failing that to narrow and focus the parties' disputes. These individuals presumably have personal knowledge of the facts and circumstances alleged in Plaintiff's complaint. The fact that the employer has agreed to assume their defense is not sufficient cause to excuse their personal appearance.

1 **IT IS ORDERED** that Defendants' Motion to Excuse Individually-Named Defendants
2 from the Early Neutral Evaluation's Attendance Requirements (Dkt. #24) is **DENIED**.

3 DATED this 16th day of December, 2015.

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6 PEGGY A. SEEN
7 UNITED STATES MAGISTRATE JUDGE

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